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In re Application of
Maarit SALMI, et al.
Application No.: 09/889,496
PCT No.: PCT/F100/00039
Int. Filing Date: 18 January 2000
Priority Date: 18 January 1999
Attorney's Docket No.: 0365-0510P
For: PAINT COMPOSITIONS:

:
: DECISION ON
:
: PETITION
:
: UNDER 37 CFR 1.182

#6

This is a decision on the "Petition Under 37 CFR 1.182 for change in name of an Inventor" filed 02 January 2002 requesting an inventor's change of name from Maarit SALMI to Maarit LAHTINEN. The petition included authorization to charge any petition fees to Deposit Account No. 02-2448.

BACKGROUND

On 18 January 2000, applicants filed international application PCT/F100/00039, which claims a priority date of 18 January 1999. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 03 August 2000. A Demand for international preliminary examination, in which the United States was elected, was timely filed on 10 August 2000. Accordingly, the thirty month period to comply with the requirements for entry into the national stage of the United States expired at midnight on 18 July 2001.

On 18 July 2001, applicants filed a Transmittal Letter (Form PTO-1390) for entry into the national stage in the United States, which was accompanied by, *inter alia*, the requisite basic national fee, an English translation of the International Application as filed, and the surcharge for furnishing the oath or declaration later than the 30 months from the priority date..

- On 13 August 2001, applicants filed an executed Declaration and Power of Attorney .

On 22 August 2001, the United States Designated/Elected Office (PTO) mailed applicants a "Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US)" (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a)-(b) was required. Applicant's were given a TWO (2) MONTH period from the mail date of the Notification to properly respond, with extensions of time obtainable under 37 C.F.R. 1.136 (a).

On 04 September 2001, applicants filed a letter stating that the filing requirements were perfected prior to the receipt of the Notification of Missing Requirements mailed 22 August 2001.

On 14 September 2001, the PTO mailed applicants a "Notification of a Defective Response" (Form PCT/DO/EO/916), acknowledging receipt of the declaration filed 13 August 2001, but also informing applicant that the requirements set forth in the Notice mailed 22 August 2001 had not been met. Specifically, applicants were informed in an accompanying Notification of a Defective Oath Or Declaration" (Form PCT/DO/EO/917) that the declaration does not comply with 37 C.F.R. 1.497(a), (b) and (f) in that it is not executed in accordance with either 37 C.F.R. 1.66 or 1.68 and does not identify inventor Maarit SALMI. It was noted that if there was a change in inventor's name, the relevant petition should be filed. Applicants were advised that failure to submit an oath or declaration in compliance with 37 C.F.R. 1.497 within the time period set would result in failure to enter the national stage and the abandonment of the application. The period for response was set at ONE MONTH from the date of this Notification or within the time remaining in the response set forth in the Notification of Missing Requirements, whichever is longer. However, only extensions of time for response from the period for response set in the Notification mailed August 2001 were permitted.

On 02 January 2002, applicants filed the instant petition under 1.182 to change the name of inventor Maarit SALMI to Maarit LAHTINEN.

DISCUSSION

Initially, it is noted that applicants filed an executed Declaration and Power of Attorney on 13 August 2001 *prior to* the mailing by the PTO on 22 August 2001 of , the "Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US)" (Form PCT/DO/EO/905). Accordingly, the "Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US)"(Form PCT/DO/EO/905) is properly vacated, and no extension of time is necessary to respond to the PTO Notifications provided in Forms 905, 916 or 917 referred to above.

Regarding the petition under 1.182, MPEP section 605.04(c) states, in part, the following:

In cases where an inventor's name has been changed after the application has been filed and the inventor desires to change his or her name on the application, he or she must submit a petition under 37 CFR 1.182. . . . The petition must include an appropriate petition fee and an affidavit signed with both names setting forth the procedure whereby the change of name was effected, or a certified copy of the court order.

The \$130 petition fee required under 1.17(h) has been charged to Deposit Account No. 02-2448, as authorized.

In support of the petition, applicants submitted an affidavit of inventor LAHTINEN stating that her name had changed from SALMI to LAHTINEN upon her marriage, signed using the name LAHTINEN only; a statement signed by an attorney that under Finnish Law a person cannot sign an official document with a false name; and a copy of her marriage certificate dated 31 July 1999, as extracted from the Population Information System in Finland. This showing is sufficient.

CONCLUSION

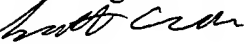
The petition under 37 CFR 1.182 requesting to change the name of inventor Maarit SALMI to Maarit LAHTINEN in the present application is **GRANTED**.

The "Notification of Missing Requirements Under 35 U.S.C. 371" (Form PCT/DO/EO/905) and the "Notification of a Defective Oath or Declaration" (Form PCT/DO/EO/917) are hereby **VACATED**.

The fee of \$130.00 for this petition under 37 CFR 1.182 will be charged to Deposit Account No. 02-2448, as authorized.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision, including the mailing of a "Notification of Acceptance" (Form PCT/DO/EO/903) indicating a date under 35 USC 371 of 13 August 2001.

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